(a) whether the Bhabha Atomic Research Centre has not installed any cobalt plant in Rajasthan during the last three years;

(b) if so, the reasons therefor;

(c) the number of cobalt plants installed in the country during the last three years;

(d) whether any financial assistance has been provided to the state for installing cobalt plant;

(e) if so, the locations thereof and the extent of amount provided for this purpose;

(f) whether the State Government has utilised the said amount and if so, the locations where such cobalt plants have been installed with these funds;

(g) if not, the reasons therefor; and

(h) whether the Department has conducted any inquiry in this regard if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI MARGARET ALVA): (a) to (c). Bhabha Atomic Research Centre (BARC) has not installed any Cobalt Plant in Rajasthan, though it is in the process of installing a major cobalt plant at the Defence Research Laboratory, Jodhpur (Rajasthan), for multi-purpose irradiation facility. Similarly, BARC has not set up any telecobalt plants for therapy in the country. Telecobalt units are procured by medical institutes/hospitals directly from the manu-facturers. BARC has, of late, commenced supplying radiosotope cobalt-60 for these plants. Thirty five teletherapy plant have been installed in the country in the last five years.

(d) No, Sir. BARC does not provide any financial assistance to any state in this regard.

(e) to (h). Question does not arise.

[*English*]

Special leave petition and prayers filed by Indian Council of Agricultural Research

5625. SHRI RAJNATH SONKAR SHASTRI: Will the PRIME MINISTER be pleased to refer to the answer given on July 31, 1989 to USQ 1967 and state :

(a) the details of the salient points taken up in the special leave petition and in the prayers filed by Indian Council of Agricultural Research;

(b) whether the Supreme Court has given any ruling on the special leave petition and on the prayers; and

(c) if so, the details thereof and the action taken in this matter by the Union Government?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI MARGARET ALVA): (a) The following points were, inter alia, stated in the special leave petition filed in Supreme Court by ICAR:

(i) Non promotion of a Government servant during the currency of a penalty is a consequence of the punishment imposed and does not amount to double jeopardy.

(ii) It would be difficult to implement the penalty imposed in a lower scale if the penalty is given effect to in the higher scale after promoting an officer undergoing the penalty of withholding of increments. The penalty is ordered with

reference to a specific pay scale which would change if the officer is promoted. Similarly, on promotion, the disciplinary authority for an official working in the higher scale may be higher in rank than the disciplinary authority which imposed the punishement in the lower scale. The order of the lower disciplinary authority may not be legally sustainable if it is sought to be implemented in the case of an official in the higher pay scale.

(iii) It will not be in public interest to promote an officer who is undergoing punishment as it would lead to a piquant situation where the officer is punished on one hand in the lower post and is rewarded on the other hand with promotion.

(b) The Supreme Court disposed of the SLP without going into the question of the validity of the Government's instructions in the matter since the judgement of the Tribunal had already been implemented.

(c) The Supreme Court has considered the issue raised in the above S.L.P. in Civil Appeal No 4718/91 (U.O I. & ors. Vs. K. Krishnan) and upheld Government's instructions in the matter. The Supreme Court held that the view taken by the Tribunal holding that forbidding the promotion of a state employee during the currency of the penalty results in a second punishment is not correct. There is only one punishment visiting the employee as a result of the conclusion reached in the disciplinary proceedings leading to the withholding of increment and the denial of promotion during the currency of the penalty is merely a consequential result thereof, Supreme Court further held that the view that a Government servant for the reason that he is suffering from a penalty or a disciplinary proceedings cannot at the same time be promoted to a higher grade is a logical one. There is no reason to codemn it as unjustified, arbitrary or in violation of Article 14 & 16 of the Constitution of India.

Application of C.P.A. to Medical Profession

5626. SHRIMATI BASAVA RAJESWARI:
DR. Y.S. RAJASEKHAR REDDY:

Will the PRIME MINISTER be pleased to state :

(a) whether the Government have received a representation from the Indian Medical Association, New Delhi regarding the applicability of Consumer Protection Act, 1986 to medical profession;

(b) if so, the nature of their grievances; and

(c) the reaction of the Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION (SHRI KAMALUDDIN AHMED): (a) to (c) Government has received a representation from the Indian Medical Association wherein they have raised the following objections regarding applicability of Consumer Protection Act to the medical profession:

(i) that medical profession cannot be equated with any trade selling commodity.

(ii) medical profession comes under 'contract for personal services' under section 2(1) (o) of the Act and therefore, exempted from the Consumer Protection Act. 1986.

(iii) there is specific agency namely Medical Council of India and State Medical Council which have statutory powers to award punishment for alleged miscon-